

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY JACKSON,	:
Petitioner	:
v.	: Case No. 3:13-cv-224-KRG-KAP
MARK KIRBY, WARDEN,	:
F.C.I. LORETTO,	:
Respondent	:

Memorandum Order

The petitioner's petition for a writ of habeas corpus was referred to Magistrate Judge Keith A. Pesto in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(3) and Local Rule 72 for Magistrate Judges. The Magistrate Judge filed a Report and Recommendation on October 2, 2013, docket no. 3, recommending that the petition be transferred to the Court of Appeals for consideration as a second or successive motion to vacate under 28 U.S.C. § 2255(h) and 28 U.S.C. § 2244(b)(3).

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. Petitioner filed timely objections, docket no. 4, but they are meritless.

After de novo review of the record, the Report and Recommendation, and the timely objections thereto, the following order is entered:

AND NOW, this 23rd day of October, 2013, it is

ORDERED that the Clerk shall transfer the petition to the Court of Appeals to be considered whether it is a second or successive motion to vacate permitted by 28 U.S.C. § 2255(h) and 28 U.S.C. § 2244(b)(3). The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a horizontal line underneath.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

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F.C.I. Loretto
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